



Re: Follow-up Re PA & CA March 14, 2012, 1:30 pm (UNCLASSIFIED)

Rob Rosenfeld

to:

Jamey Stoddard, F.standifer

03/15/2012 06:53 PM

Hide Details

From: Rob Rosenfeld <robrosey@gmail.com>

To: Jamey Stoddard/R10/USEPA/US@EPA, F.standifer@hotmail.com,

1 Attachment



graycol.gif

Thank you Jamey this is very helpful. I appreciate it.

on another note can you follow up with Jim Woods as President Standifer has asked that I coordinate a Government to Government meeting with the Regional Administrator. Jim has called President Standifer and then President Standifer asked me to be in touch with Jim to propose dates.

Best wishes

Rob

On Thu, Mar 15, 2012 at 6:50 PM, Rob Rosenfeld <robrosey@gmail.com> wrote:

----- Forwarded message -----

From: **Jamey Stoddard** <Stoddard.Jamey@epamail.epa.gov>

Date: Thu, Mar 15, 2012 at 11:17 AM

Subject: Re: Follow-up Re PA & CA March 14, 2012, 1:30 pm (UNCLASSIFIED)

To: Rob Rosenfeld <robrosey@gmail.com>, "Heer, Marcia L POA"

<Marcia.L.Heer@usace.army.mil>, kendall@narf.org

Hi Rob:

Not having been involved in most of the 106 process, (I came on in 2010) I cannot confirm that all of the Cook Inlet Tribes were sent the actual reports. I can confirm that through numerous meetings and teleconferences all the Tribes have been informed of the discoveries at Ladd Landing. It sounded like Tyonek Native Corporation may have not received the reports, so I am wondering if distribution of the reports was limited due to confidentiality concerns discussed yesterday (I can confirm that NVT has been sent the reports). Given that the reports contain the precise locations of numerous resources, I think a discussion amongst NVT, Corps, and SHPO may be in order regarding whether or not the reports themselves should be distributed, and to whom. From my perspective, I am not sure knowing the exact datum location of resources is absolutely necessary for all of the consulting parties (as defined in 36 CFR 800.2(c))

to effectively consult in the 106 process (as consultation is defined in 36 CFR 800.16 (f)). However, that will ultimately have to be determined by the Corps, in consultation with the SHPO and consulting parties (again, as consultation and consulting parties are defined in the 106 regulations at 36 CFR 800).

Regarding G2G meetings, in addition to the two meetings referenced by Joe Lucas in 2006, I have found in my files documentation of at least six additional face-to-face meetings on the 106 process between 10/2007 and 03/2009 (results of cultural investigations, development of the PA, etc.). NVT President at the time Ms. Angela Sandstol was present at all but one of those meetings, with NVT being represented by Mr. Dennis Tipelman (sp?) during that one. I cannot say how those meetings were defined, but they would surely meet the definition of consultation for Section 106 purposes under 36 CFR 800. Also, I would assume that President Sandstol would have requested a G2G meeting if one was desired during those times. Since 2009, a meeting between NVT, EPA, and the Corps was held in Tyonek on August 3, 2010 to discuss the transfer of lead agency (including transfer of responsibilities under Section 106, ESA, etc.). President Standifer was present at that meeting.

To my knowledge, the only document which has been signed is the artifact transfer agreement between Kenai Peninsula Borough and NVT, which is attached. I am not aware of any other "documents signed" or "decisions made" on behalf of EPA or the Corps in the Section 106 process. The only "action" would be executing the Programmatic Agreement under 36 CFR 800.6(b)(1 or 2).

I hope that helps.

(See attached file: Artifact Transfer Agreement and supporting documentation_NVT & KPB_12-2009.pdf)

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▼ Rob Rosenfeld ---03/15/2012 08:58:44 AM---Marcia Thank you for organizing the meeting yesterday

From: Rob Rosenfeld <robrosey@gmail.com>

To: "Heer, Marcia L POA" <Marcia.L.Heer@usace.army.mil>

Cc: "jessica@chickaloon.org" <jessica@chickaloon.org>, "nve.ledirector@eklutna-nnsn.gov" <nve.ledirector@eklutna-nnsn.gov>, "

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Date: 03/15/2012 08:58 AM

Subject: Follow-up Re PA & CA March 14, 2012, 1:30 pm (UNCLASSIFIED)

Marcia

Thank you for organizing the meeting yesterday

Questions: Have all the tribes included received all the relevant archeological reports completed to date, to assist in the 30 day review process?

During the call Pac RIm and EPA sited past G2G meetings back in 2006. It is important to note that multiple studies have taken place since those meetings. Were any documents signed and were any decisions made?

Regarding Government to Government Consultation with NVT and the 30 day deadline for the PA and the CA: NVT will not be able to effectively review or respond until a government to government meeting occurs. Please reconsider the deadline so that NVT will have 30 days to respond after the next Government to Government meeting with Army Corps and SHPO.

Best wishes

Rob

Rob Rosenfeld
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On Mar 8, 2012, at 13:17, "Heer, Marcia L POA" <Marcia.L.Heer@usace.army.mil> wrote:

> Classification: UNCLASSIFIED
> Caveats: NONE

>
 > Hello,
 >
 > A reminder regarding the upcoming Chuitna Coal Project Supplemental
 > Environmental Impact Statement - Programmatic Agreement teleconference on
 > Wednesday March 14, 2012, at 1:30 pm
 >
 > Below is the conference call in information:
 >
 > Call in number: [1-877-336-1829](tel:1-877-336-1829)
 > Access Code: 7472251
 > Security Code: 1111
 >
 >
 > Meeting agenda is to discuss the draft agreements (see attached draft
 > documents). Please keep these confidential.
 >
 > After the meeting, we will be sending out these draft documents for an
 > official 30-day review. Please call if you have any questions.
 >
 >
 >
 > *****PLEASE DO NOT FORWARD THIS INVITATION TO ANYONE*****
 >
 > If you believe that there is an individual what should be invited to
 > participate, please contact me and, if appropriate, I will provide them
 > with
 > a meeting invitation.
 >
 > *****
 >
 >
 > Marcia L. Heer
 > Corps of Engineers, Regulatory Division
 > CEPOA-RD-S
 > Post Office Box 6898
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 > Classification: UNCLASSIFIED
 > Caveats: NONE
 >
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 > <DRAFT Chuitna Curation Agreement with NVT.doc>
 > <DRAFT Chuitna Curation Agreement with State.doc>
 > <DRAFT Programmatic Agreement.docx>